

In the event that the FERC ceases to specify a generic rate of return on equity, Seller at its option shall from time to time file, or, upon request of Buyer made not more often than once each year, Seller shall file at the FERC a revised Appendix E specifying the rate of return on equity that it believes to be just and reasonable. The filing shall request that such revised Appendix E become effective no earlier than February 1 of the year in which the filing is made and no later than sixty (60) days after the date of the filing. If a filing is requested by Buyer, Seller is to have the option to refile the existing rate of return on equity without change if Seller believes that return to be a just and reasonable return. Any final, nonreviewable FERC order on the merits of such filing shall be made effective as of the effective date of the filing, and if the filed rate of return on equity is reduced, refunds shall be made from the effective date of the filing, with interest at the rate permitted by the FERC.

7.6 Adjustment to Monthly Capacity Charge for Decline in Net Capability: An adjustment to the Monthly Capacity Charge shall be made pursuant to this Section 7.6 only in the event that the First Unit's Net Capability is less than ninety (90) percent of its Design Net Electrical Capability. Such adjustment shall be made only as a result of NEPOOL audits and shall become effective at such time as a Purchaser's NEPOOL credit for the Capacity of Unit 1 would be reduced as a result of such NEPOOL